grounds, not owned nor controlled by the society, but one of the usual approaches to the grounds. In an action against the agricultural society for damages, the jury having found that the deceased was within the scope of the defendant's invitation to the public to attend the fair, *Held*, that the agricultural society was liable. *Thornton* v. *Maine State Agricultural Society* (1902), — Me. —, 53 Atl. Rep. 979.

A further exception to the rule that an employer is not liable for the acts of an independent contractor, is found in the class of decisions holding agricultural societies liable for injuries occasioned by the negligence of independent contractors furnishing entertainment for the guests of the societies at exhibitions or fairs. (For other exceptions to this general rule, see note to *Hawver* v. *Whalen* (Ohio), 14 L. R. A. 828). In this class of cases the view taken by the court in the principal case is well supported by authority. The liability is placed solely upon the ground that the owners, by virtue of their invitation to the public, hold out their premises as safe, and this regardless of whether "the various parts of the fair are conducted and managed by the owners themselves, or, with their permission, by licensees, independent contractors or lessees." 1 MICH. LAW REVIEW 522; *Texas State Fair* v. *Marti* (1902), — Tex. Civ. App. —, 69 S. W. Rep. 432; *Texas State Fair* v. *Brittain* (1902), — C. C. A. —, 118 Fed. Rep. 713; *Sebeck v. Plattdeutsche Volkfest Verein*, 64 N. J. Law, 624, 46 Atl. Rep. 631, 81 Am. St. Rep. 512, 50 L. R. A. 199; *Thompson* v. *Railway Co.*, 170 Mass. 577, 49 N. E. 913, 64 Am. St. Rep. 323, 40 L. R. A. 345; *Railway Co.* v. *Moore*, 94 Va. 493, 37 L. R. A. 258; *Conradt* v. *Clauve*, 93 Ind. 476, 47 Am. Rep. 388. A recent Nebraska case, *Bianki* v. *Greater American Exposition Co.* (1902), — Neb. —, 92 N. W. 615, held an exposition company liable for injuries caused by fireworks displayed by a fireworks company employed for that purpose. In this case the liability was based on the ground of agency. A state agricultural society has been held to be a state agency and not a corporation for pecuniary profit, and is not liable for the illegal acts of its agents, as in the case of a wrongful arrest. *Hern* v. *Iowa State Agricultural Society*, 91 Iowa 97, 24 L. R. A. 655. However, most defences made by such societies on account of being state agencies have failed. It would seem that the principal case might have been decided on the ground of the society's liability for maintaining a nuisance. *Conradt* v. *Clauve*, 93 Ind. 476, 47 Am. Rep. 388.

NEGLIGENCE OF EMPLOYEE—CORPORATIONS—EXEMPLARY DAMAGES.—Action to recover damages from a corporation for the willful negligence of an employee, who failed to deliver a message announcing the death of plaintiff's husband; although the message was in the office, and had been called for. *Held*, that the plaintiff was entitled to exemplary damages. *Western Union Tel. Co.* v. *Watson* (1902), — Tex. —, 33 South. Rep. 76.

The theory of exemplary damages, viewed in the abstract, seems erroneous, as in the nature of a fine or punishment in a civil action. Especially does this theory seem incorrect when applied to corporations, not at fault, for the negligence of their servants, when due care has been observed in selecting and instructing them. However, the weight of authority seems to hold the corporation liable. *Goddard* v. *R. R.*, 57 Me. 20, Mechem's Cases on Damages, 62; *R. R.* v. *Flexman*, 9 Ill. App. 250; *Wheeler, etc., Mfg. Co.* v. *Boyce*, 36 Kan. 350; *Rouse* v. *St. Car Co.*, 41 Mo. App. 298; *Springer Transp. Co.* v. *Smith*, 16 Lea (Tenn.), 498. Contra—*R. R. Co.* v. *Prentice*, 147 U. S. 101, 13 Sup. Ct. Rep. 261; *R. R.* v. *Quigley*, 21 How. (U. S.) 202; *Cleghorn* v. *R. R.*, 56 N. Y. 44; *Sullivan* v. *R. R.*, 12 Ore. 392; *Hogan* v. *R. R.*, 3 R. I. 88.